

### **REMARKS**

Applicants and Applicants' attorney express appreciation to the Examiner for the time spent preparing the Office Action dated April 30, 2008. Reconsideration and allowance for the above-identified application are now respectfully requested. Claims 1-4, 6-32, 35-38, and 40-62 are pending

### **Obviousness-type Double Patenting Rejection**

In the Office Action, claims 1-32, 35-38, and 40-62 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 7,250,022 to Dalebout et al.

Submitted herewith is a revised terminal disclaimer relating to U.S. Patent No. 7,250,022, issued July 31, 2007, as set forth in the terminal disclaimer.

Accordingly, Applicant hereby requests reconsideration and removal of the rejection to claims 1-32, 35-38, and 40-62 on the grounds of nonstatutory obviousness-type double patenting in view of U.S. Patent No. 7,250,022.

### **Information Disclosure Statement**

On November 5, 2007, Applicant submitted an Information Disclosure Statement Form 1449 for the Examiner's consideration. However, Applicant notes that the Examiner did not provide his initials on items 8-10 of page 1 of the Information Disclosure Statement dated November 5, 2007. For the Examiner's convenience, a copy of the Information Disclosure Statement Form 1449 dated November 5, 2007 is attached hereto. Applicant respectfully requests that the Examiner consider the Information Disclosure Statement and provide a signed Form 1449 indicating such consideration.

### **CONCLUSION**

It is respectfully submitted that the rejections of claims 1-4, 6-32, 35-38, and 40-62 have been overcome and should now be withdrawn. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 8<sup>th</sup> day of May, 2008.

Respectfully submitted,

/J. Dustin Howell/ Reg. #60701  
J. DUSTIN HOWELL

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Form PTO-1449

Sheet 1 of 3

Applicant: Dalebout et al.  
 Serial No.: 10/647,729  
 Filing Date: August 25, 2003  
 Confirmation No.: 8150  
 For:

Att'y Docket No.: 13914.880  
 Group: 3764

EXERCISE DEVICE WITH CENTRALLY MOUNTED RESISTANCE ROD AND AUTOMATIC  
 WEIGHT SELECTOR APPARATUS

SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name
/FCM/ 1	4,750,738	06/1998	Dang
/FCM/ 2	4,907,795	03/1990	Shaw et al.
/FCM/ 3	4,354,675	10/1982	Barclay et al.
/FCM/ 4	5,316,534	05/31/1994	Dalebout et al.
/FCM/ 5	6,027,429	02/2000	Daniels
/FCM/ 6	7,197,029	03/2007	Osterhout et al.
/FCM/ 7	US 2006/0035768 A1	2/16/2006	Kowallis et al.

Foreign Patent Documents

Examiner Initial*	Document Number	Publication Date	Country or Patent Office	Translation
8	2707550	August 1978	Germany	No
9	3541980	June 1987	Germany	No
10	242563	February 1987	Germany (Deutsche Demokratische Republik)	No

Examiner: /Fenn C. Mathew/

Date Considered: 04/28/2008

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Sheet 2 of 3

Applicant:

Dalebout et al.

Serial No.:

10/647,729

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### Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial\*

/FCM/ 11

3422 Hall-Effect, Direction-Detection Sensor, Copyright 2001, 2003, Allegro MicroSystems, Inc. available online at [www.allegromicro.com](http://www.allegromicro.com), p. 1-10.

/FCM/ 12

A3425 Ultra-Sensitive Dual-Channel Quadrature Hall-Effect Bipolar Switch, Copyright 2005, Allegro MicroSystems, Inc. available online at [www.allegromicro.com](http://www.allegromicro.com), p. 1-21.

/FCM/ 3

Owner's Manual for Impex Fitness Products, *Powerhouse Home Gym WM 1400*, Revised June 30, 2000

### **References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

Examiner: /Fenn G. Mathew/

Date Considered:

04/28/2008

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449

Sheet 3 of 3

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Dalebout et al.

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WEIGHT SELECTOR APPARATUS

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

/Fenn C. Mathew/

Date Considered:

04/28/2008

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.